

Section 1046 - Parking and Storage of Vehicles and Equipment

1046.01 Definitions. Unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this Subsection:

All Terrain Vehicle (ATV). A motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of not less than 800 cubic centimeters and total dry weight less than 600 pounds.

Boat. Any contrivance used or designed for navigation on water.

Commercial Usage Vehicles.

A. Vehicles and equipment designed or modified for use in any construction, demolition, or maintenance activity.

B. Tractors.

C. All trailers or towed equipment exceeding a gross vehicle weight of 1500 pounds but not including recreational vehicles or trailers used to transport boats, snowmobiles or ATVs.

D. Snow removal vehicles and equipment and tree trimming vehicles and equipment.

E. Earth moving vehicles and equipment.

F. Trucks, vans and pickups with a manufacturer's nominal rated carrying capacity of more than three fourths ton.

District. A zoning district established pursuant to Section 850 of this Code.

Inoperable Vehicle. A vehicle including, but not limited to, any automobile, truck, trailer, marine craft, snowmobile, motorcycle, all terrain vehicle, mobile home, pickup camper, camping trailer, and other equipment for motorized transportation, that (i) has a missing or defective part that is necessary for the normal operation of the vehicle, or (ii) is stored on blocks, jacks, or other supports, or (iii) does not display a license, or displays a license that is 60 days or more past its required renewal date. Unmounted pickup campers or vehicles which are towed shall not be deemed inoperable vehicles if they otherwise possess all parts and are capable of normal operation and display a license that is not more than 60 days past its required renewal date if a license is required.

Non-Conforming Parking Location. An outdoor location on the driveway of a lot in the R-1 or R-2 District which location is not within 15 feet of the street and not within five feet of a side lot line.

Recreational Vehicle. A vehicle used or designed for use for temporary residential occupancy including but not limited to campers, motorhomes, mobile homes, pickup campers, camping trailers, tent trailers and travel trailers.

Snowmobile. A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Special Purpose Trailer. A trailer having a gross vehicle weight of less than 1500 pounds. Special purpose trailers include utility trailers, and trailers used to transport boats, snowmobiles or ATVs.

1046.02 Parking or Storage of Commercial Usage Vehicles, Inoperable Vehicles and Vehicle Parts. Commercial usage vehicles, inoperable vehicles, or any part or equipment appurtenant to any vehicle shall not be:

- A. Parked or stored outdoors on lots in residential districts.
- B. Parked or stored outdoors on lots in non-residential districts for more than 48 continuous hours except that abandoned motor vehicles impounded by the City pursuant to Section 1410 of this Code may be stored outdoors by the pound keeper designated by the Manager.

Provided, however, vehicles and equipment used for maintenance, repair, or construction on the premises may be parked on the premises during the period of work.

1046.03 Parking or Storage of Recreational Vehicles, Boats, ATVs, Snowmobiles, etc. Recreational vehicles, boats, ATVs, snowmobiles, special purpose trailers or other vehicles designed or used for off-road purposes may be parked or stored in a garage or lawfully erected building, or may be parked or stored outdoors as follows:

Subd. 1 Lots in the R-1 District, R-2 District, PRD-1 and PRD-2 Subdistricts.

- A. No more than two such vehicles, not more than one of which is a recreational vehicle, shall be parked or stored outdoors on each lot. For purposes hereof, a vehicle on a trailer shall be considered one vehicle.
- B. Any such vehicle parked or stored outdoors shall be owned or leased by the occupant of the premises where parked or stored.
- C. Any such vehicle shall not be parked or stored within five feet of an interior side lot line, within 25 feet of a rear lot line, or within the required front street setback or side street setback as defined by Section 850 of this Code.
- D. Any such vehicle shall not be parked or stored closer to the buildable area for a principal building on an adjoining lot than to the principal building on the lot where parked or stored.

E. Notwithstanding the requirements of paragraphs A., B., C., and D. of this Subdivision, any such vehicle may be parked on a temporary basis on a driveway within the required front street setback or side street setback subject to the following requirements:

1. Such vehicle shall not be parked for a period of time exceeding seven days.
2. Such vehicle shall not be parked within 15 feet of the traveled portion of a street and not within five feet of a side or rear lot line.

It is the intent of this paragraph to permit the short term parking of such vehicles for loading or unloading purposes and to accommodate the visitors and guests of the residents of the premises.

Subd. 2 Lots in All Other Residential Districts.

- A. Any such vehicle parked or stored outdoors shall be owned or leased by the occupant of the premises where parked or stored.
- B. Any such vehicle parked or stored outdoors shall be parked or stored only on hard surfaced areas.

Subd. 3 Lots in Non-Residential Districts.

- A. Any such vehicle shall not be parked or stored outdoors for more than 48 hours.
- B. Any such vehicle shall be parked or stored only on areas improved as a parking area.

1046.04 Other Vehicles. Passenger automobiles and all other vehicles not regulated by Subsection 1046.02 and Subsection 1046.03 may be parked or stored in a garage or lawfully erected building, or may be parked or stored outdoors as follows:

Subd. 1 Lots in the R-1, R-2, PRD-1 and PRD-2 Districts. On the driveway but not within 15 feet of the traveled portion of the street or within five feet of a side or rear lot line.

Subd. 2 Lots in All Other Residential Districts. On a parking area that is hard surfaced.

Subd. 3 Lots in All Other Non-Residential Districts. On a parking area that is hard surfaced but not for periods exceeding 48 hours. Provided, however, vehicles may be stored for periods exceeding 48 hours on lots in the PCD-3 District as defined in Section 850 of this Code, which are used for the sale of new or used automobiles or boats.

1046.05 Variances for Recreational Vehicles, Boats, etc.

Subd. 1 **Variance System Established.** The restrictions set out in Subsection 1046.03 are necessary for the peace, health, safety and welfare of the citizens of the City. It is recognized that there are so many kinds of recreational vehicles, boats, etc. and so many shapes and sizes of lots and land parcels within the City, that no matter what restrictions are placed upon their outdoor parking and storage, hardships will result to some owners of recreational vehicles, boats, etc. and nuisances will result to some non-owners. In an attempt to avoid such hardships and nuisances, this variance system is established.

Subd. 2 **Application.** Any person desiring to locate a vehicle in a location not permitted by Subsection 1046.03 may file a petition for a variance with the Planner on forms provided by the Planner. The applicant shall pay a fee as set forth in Section 185 of this Code. No variances shall be given or allowed for more than the number of vehicles allowed by Subsection 1046.03.

Subd. 3 **Hearing and Decisions by the Board; Notice.**

A. Within 30 days after the Planner determines that a variance petition is complete, and all required fees and information have been received, the Zoning Board of Appeals as established by Section 850 of this Code shall conduct a public hearing and after hearing the oral and written views of all interested persons, shall make its decision at the same meeting or at a specified future meeting. Any decision granting a variance may impose conditions which the Board deems necessary to ensure compliance, protect adjacent properties and promote the peace, health, safety and welfare of the citizens.

B. Notice of variance hearings shall be mailed not less than ten days before the date of the hearing to the person who filed the petition for variance and to each owner of property situated wholly or partially within 200 feet of the property to which the variance relates insofar as the names and addresses of such owners can be reasonably determined by the Planner from records maintained by the Assessor.

Subd. 4 **Appeal.** The applicant, any owners to whom notice of the hearing was given, or any member of the staff of the City, may appeal a decision of the Board to the Council, by filing a written notice of appeal with the Clerk within ten days after the date of the decision.

Subd. 5 **Hearing by Council.** The Council, at its next regular meeting after the appeal is filed, shall set a date for hearing the appeal. Notice of the hearing shall be given in the same manner as the hearing before the Board. At the hearing, all persons shall be heard who wish to be heard, in person or by a representative. At the hearing, or a specified future date, the Council shall make its decision. The Council's decision shall set forth its findings and reasons for granting or denying the variance, or the Council may adopt, as its own, the findings and reasons of the Board. On granting a variance, the

Council may impose conditions to the same extent as the Board as set out in Subd. 3 of this Subsection.

Subd. 6 **Variance Order.** Each variance order shall be retained on the property to which it relates and shall be displayed at the request of any City employee.

Subd. 7 **Variance Not Transferable, Exception.** Each variance shall be limited and restricted to the stated person, vehicle and property location and may not be transferred to any other person, or be used for any other vehicle or property location. Provided, however, a variance may be transferred to another vehicle provided such vehicle is not longer, wider, taller or older than the vehicle for which the variance was initially granted.

Subd. 8 **Revocation of Variance.** Each variance granted may be revoked by the City for failure of the recipient to comply fully and continually with the stated conditions or for any violation of the provisions in Subd. 7 of this Subsection.

1046.06 Non-Conforming Parking and Storage. Any recreational vehicle, boat, snowmobile, all-terrain vehicle, or special purpose trailer which was parked or stored in a non-conforming parking location prior to the effective date of this Section may continue to be so parked or stored subject to the requirements of this Subsection.

Subd. 1. **Standards for Parking and Storage.**

A. An inoperable vehicle shall not be parked or stored in a non-conforming parking location. An inoperable vehicle may be parked or stored only in those locations required by Subsection 1046.02.

B. No more than one recreational vehicle, boat, snowmobile, all-terrain vehicle, or special purpose trailer shall be parked in a non-conforming parking location.

C. Any recreational vehicle, boat, snowmobile, all-terrain vehicle, or special purpose trailer parked or stored in a non-conforming parking location shall have been owned continuously since the enactment of this Section by the occupant of the premises where parked or stored.

D. The lot upon which a recreational vehicle, boat, snowmobile, all-terrain vehicle, or special purpose trailer is parked or stored in a non-conforming parking location shall have been owned or rented continuously since the enactment of this Section by the owner of the vehicle so parked or stored.

Subd. 2. **Proof of Ownership.** Upon the request of any City employee, the occupant of the premises where a recreational vehicle, boat, snowmobile, all-terrain vehicle, or special purpose trailer is parked or stored in a non-conforming parking location, shall provide proof of compliance with paragraph C. and paragraph D. of Subd. 1 of this Subsection.

History: Ord 1031 codified 1970, amended by Ord 1031-A1 1-30-80, Sec 1045 codified 8-26-92, Ord 1992-1 adopted 11-2-92 repealed Sec 1045; Ord 1995-6 8-17-95

Cross Reference: Sections 185, 850